

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 351, 352, 353, and 356

RIN 1820-AB01

National Institute on Disability Rehabilitation Research

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends existing regulations for certain programs administered by the National Institute on Disability and Rehabilitation Research (NIDRR). These amendments result primarily from the Rehabilitation Act Amendments of 1992 (the Amendments). The regulations add new definitions and program activities consistent with the Amendments and reflect new statutory requirements.

EFFECTIVE DATE: These regulations take effect on May 5, 1995.

FOR FURTHER INFORMATION CONTACT: David Esquith, U.S. Department of Education, 600 Independence Avenue, SW., Mary E. Switzer Building, Room 3424, Washington, DC 20202-2601. Telephone: (202) 205-8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8133.

SUPPLEMENTARY INFORMATION: These regulations primarily implement statutory changes made by the Rehabilitation Act Amendments of 1992 (Pub. L. 102-569). Some of the changes conform terminology of the regulations with terminology in the Act, specifically in the use of "individual with a disability," "children with disabilities," "individual with a mental disability," and similar phrases to replace phrases using the word "handicapped," "handicapped individual," or "disabled individual."

The regulation in § 350.1 has been revised to include improving the cost-effectiveness of services under the Act in the list of purposes of the activities supported by NIDRR.

The regulation in § 350.4 includes new statutory definitions for many of the terms used in section 7 of the Rehabilitation Act, as amended (the Act), including the definitions of such key terms as "disability," "individual with a disability," "rehabilitation technology" and "rehabilitation engineering," and "research utilization." The regulation further reflects new statements in the statute about the purpose of each of the programs and the activities authorized within them.

The regulation in § 350.20 describes the conditions under which applicants

must send copies of their applications to the Vocational Rehabilitation agencies in their States, as required by statute. This provision clarifies Sections 204(c) and 306(i) of the current law and preexisting regulations by describing the context in which transmittal of these applications would be appropriate.

The regulation in § 350.21 implements section 21(b)(6) of the Act, which states that, where appropriate, applicants must demonstrate how they will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds. If the Secretary determines that this requirement is not appropriate for a particular grant competition, the Secretary will indicate this in a notice announcing a priority or in the notice inviting applications. If the Secretary does not make this determination, but an applicant believes that this determination is appropriate, the applicant will indicate this and set forth a justification in its application. In response to the many inquiries that NIDRR receives from applicants seeking suggestions for methods to meet this requirement, the regulation includes a list of methods that an applicant may choose to propose.

The regulation in § 350.41 implements section 20 of the Act, which requires all projects that provide services to individuals with disabilities to advise those individuals who are applicants for or recipients of services under the Act, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of the availability and purposes of the Client Assistance Program (CAP) funded under the Act, and to provide information on the means of seeking assistance under the CAP.

The regulations in §§ 352.33 and 353.33 include the new statutory standard 60-month grant periods for RRTC's in section 204(b)(2)(L) and RERC's in section 204(b)(3)(E), and specify conditions under which awards of lesser duration are appropriate under the law.

The regulation in § 353.41 states that certain RERC's must have an advisory board, of which the majority of the members must be individuals with disabilities, their parents, family members, guardians, advocates, or authorized representatives. This requirement is based on the new statutory requirement in section 204(b)(3)(D)(ii) of the Act.

The regulations support the National Education Goal that, by the year 2000, every adult American—including individuals with disabilities—will

possess the skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

On August 10, 1994, the Secretary published a notice of proposed rulemaking in the **Federal Register** (59 FR 41176).

Analysis of Comments and Changes

In response to the Secretary's invitation in the Notice of Proposed Rulemaking (NPRM), 12 parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

Major issues are grouped according to subject under appropriate sections of the regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

Technical and other minor changes—and suggested changes that the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Additional Changes

The final regulations include changes from the proposed regulations that reflect the Department's recently developed Principles for Regulating. The Principles state that the Department will regulate only to improve the quality of services to our customers, only when absolutely necessary, and then in the most flexible, equitable, and least burdensome way possible.

The proposed regulations included new selection criteria addressing the requirement that applicants address the needs of individuals with disabilities from minority backgrounds. The final regulations do not include these new selection criteria.

The proposed regulations for part 352 included target audiences for dissemination activities in the selection criteria that were not included in the dissemination requirements of part 352. In the final regulations, the selection criteria for dissemination activities conform to the dissemination requirements of part 352.

The proposed regulations included a requirement that RRTC's disseminate information and provide technical assistance to administrators, policymakers, and representatives of public and private organizations whose activities affect the productivity, independence, and community integration of individuals with disabilities. The proposed regulations also included these groups in the selection criteria applicable to

dissemination and technical assistance. The final regulations encourage RRTCs to undertake these activities and do not include these groups in the selection criteria.

The proposed regulations included advisory committee requirements for all RRTCs and RERCs. The final regulations, reflecting the statute, include advisory committee requirements for certain RERCs. The proposed regulations included the RERC advisory committee requirements in § 353.40 in addition to two general requirements. Revising the advisory committee requirements to apply to certain RERCs necessitated separating the advisory committee requirements from the two general requirements that apply to all RERCs. In the final regulations, the two general requirements are contained in § 353.40, and the advisory committee requirements are contained in § 353.41.

The proposed regulations broadened the requirements for Institutional Review Boards. The final regulations maintain the current requirements. In addition, the regulations have been amended to incorporate by reference portions of 34 CFR part 97 that had been repeated in parts 350 and 356.

Part 350—Disability and Rehabilitation Research: General Provisions

Section 350.1 What are the purposes of activities supported under the disability and rehabilitation research program?

Comment: Two commenters recommended including improving cost-effectiveness of services under the Act in the list of purposes of activities supported by NIDRR.

Discussion: The Secretary agrees that improving the cost-effectiveness of services under the Act is an important purpose for activities supported by NIDRR.

Changes: Section 350.1 has been revised to include improving the cost-effectiveness of services under the Act in the list of purposes of the activities supported by NIDRR.

Comment: Two commenters recommended that the special emphasis placed on individuals with disabilities from minority backgrounds should be broadened to include all persons who do not have equitable access to rehabilitation.

Discussion: The special emphasis placed on individuals with disabilities from minority backgrounds is a statutory requirement contained in section 21 of the Act. The Secretary points out that applicants may propose to emphasize the needs of individuals

with disabilities who have inequitable access to rehabilitation services. However, the Secretary declines to require all applicants to propose such an emphasis.

Changes: None.

Comment: Two commenters recommended that the special emphasis placed on individuals with disabilities from minority backgrounds should be broadened to include women with disabilities.

Discussion: As indicated above, the special emphasis placed on individuals with disabilities from minority backgrounds is based on a statutory requirement. The Secretary believes that women with disabilities have unique needs that should be addressed in NIDRR's research agenda. The Secretary believes that the appropriate approach to addressing the unique needs of women with disabilities in NIDRR's research agenda is through the issuance of absolute priorities on specific issues.

Changes: None.

Comment: One commenter recommended adding that one of the purposes of NIDRR's activities is to ensure that consumers are able to make informed choices regarding their employment outcomes.

Discussion: The Secretary points out that § 350.1(a)(1) states, in part, that one of the purposes of NIDRR's research is to address rehabilitation problems such as physical restoration, vocational rehabilitation, independent living, and community integration. The Secretary believes that research addressing the ability to make personal decisions related to employment is included in the purpose set forth in § 350.1(a)(1). The Secretary does not believe any further clarification is necessary.

Changes: None.

Comment: One commenter recommended requiring applicants to address one or more of the approaches that are set forth in § 350.21 as examples of what an applicant may do to meet this section's requirements to demonstrate how the project will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.

Discussion: The Secretary does not intend for the approaches set forth in § 350.21 to be exhaustive. The Secretary recognizes that there are activities not included in this section that meet the requirements of the law. The Secretary believes that applicants should have the discretion to propose other activities that meet these requirements.

Changes: None.

Section 350.3 What regulations apply to these programs?

Comment: One commenter recommended revising the part of § 350.3(d)(2) that requires an IRB that regularly reviews another vulnerable category of subjects such as children who do not have disabilities, prisoners, pregnant women, or adults with disabilities to consider including one or more individuals who are knowledgeable about the experience in working with these subjects. The commenter recommended mandating the inclusion of such an individual.

Discussion: The IRB requirements that apply to many of the Department's programs are contained in 34 CFR part 97, which is incorporated by reference in part 350. These regulations are currently under review. If changes are made to the IRB requirements, the Secretary prefers to make them in part 97. The commenter's recommendation will be considered as part of the Department's review of the IRB requirements in part 97.

Changes: While no changes have been made to the IRB requirements as a result of the comment, as indicated previously, the regulations include a technical revision that incorporates by reference portions of part 97 that have been repeated in parts 350 and 356.

Part 351—Disability and Rehabilitation Research: Research and Demonstration Projects

Section 351.1 What is the research and demonstration projects program?

Comment: One commenter recommended adding "respite" to the term "family support" in this section.

Discussion: The Secretary recognizes that respite is an important part of family support. However, respite is one of many aspects of family support. The Secretary declines to list all of the aspects of this, or other terms, in this section.

Changes: None.

Section 351.10 What types of projects are authorized under this program?

Comment: One commenter recommended substituting a term such as "homebased" for "homebound" because the latter term has negative connotations.

Discussion: The Secretary recognizes the pejorative connotation of the term "homebound." However, the term "homebound" appears in the 1992 amendments to the Rehabilitation Act.

Changes: None.

Part 352—Disability and Rehabilitation Research: Rehabilitation Research and Training Centers

Section 352.41 What is the advisory committee requirement for a grantee under this program?

Comment: One commenter recommended revising the regulations to encourage applicants to include persons with disabilities from minority backgrounds on advisory councils, where applicable.

Discussion: The Secretary believes that the regulations clearly encourage applicants to involve persons with disabilities from minority backgrounds in all phases of their activities. The Secretary does not believe any further encouragement is necessary.

Changes: None.

Part 353—Disability and Rehabilitation Research: Rehabilitation Engineering Research Centers

Section 353.10 What types of activities are authorized under this program?

Comment: One commenter pointed out that the word "medical" does not appear in this section and recommended including medical sciences research among the types of authorized activities.

Discussion: The Secretary points out that § 353.10 is taken directly from the 1992 amendments to the Rehabilitation Act. The Secretary recognizes that medical sciences research frequently is involved in the development of devices and services to improve functioning and independence. The Secretary does not believe that any revision is necessary.

Changes: None.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the regulations are those resulting from statutory requirements and those determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of the regulations, the Secretary has determined that the benefits of the regulations justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these final regulations are small public and private agencies applying for Federal funds under these programs. However, the regulations will not have a significant economic impact on the entities affected because the regulations will not impose excessive regulatory burdens or require unnecessary Federal supervision.

Assessment of Educational Impact

In the NPRM the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed regulations and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects**34 CFR Part 350**

Administrative practice and procedure, Education, Educational research, Grant program—education, Individuals with disabilities.

34 CFR Part 351

Education, Educational research, Grant program—education, Individuals with disabilities, Intergovernmental relations, Vocational rehabilitation.

34 CFR Part 352

Education, Educational research, Grant program—education, Individuals with disabilities, Manpower training programs, Vocational rehabilitation.

34 CFR Part 353

Education, Educational research, Grant program—education, Individuals with disabilities, Intergovernmental relations, Rehabilitation engineering research, Technical assistance, Vocational rehabilitation.

34 CFR Part 356

Education, Educational research, Grant program—education, Individuals with disabilities, Vocational rehabilitation.

Dated: March 30, 1995.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.133, National Institute on Disability and Rehabilitation Research)

The Secretary amends parts 350, 351, 352, 353, and 356 of Title 34 of the Code of Federal Regulations as follows:

PART 350—DISABILITY AND REHABILITATION RESEARCH: GENERAL PROVISIONS

1. The authority citation for part 350 continues to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

2. Section 350.1 is amended by revising the heading and paragraphs (a) and (b)(3) to read as follows:

§ 350.1 What are the purposes of activities supported under the disability and rehabilitation research program?

(a) The activities funded by the Institute—

(1) Support the conduct of research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness, including the cost-effectiveness, of services authorized under the Act;

(2) Provide for a comprehensive and coordinated approach to the support and conduct of research, demonstration projects, training, and related activities, and to ensure that the approach is in accordance with the long-range plan for research developed by the Institute;

(3) Promote the transfer of rehabilitation technology to individuals with disabilities through research and demonstration projects relating to—

(i) The procurement process for the purchase of rehabilitation technology;

(ii) The utilization of rehabilitation technology on a national basis; and

(iii) Specific adaptations or customizations of products to enable individuals with disabilities to live more independently;

(4) Ensure the widespread distribution to rehabilitation professionals, individuals with disabilities, and other interested parties, in usable formats, of practical scientific and technological information that is generated by research, demonstration projects, training and related activities;

(5) Ensure the widespread dissemination to rehabilitation

professionals, individuals with disabilities, and other interested parties, in usable formats, of new knowledge about disabilities, including state-of-the-art practices and improvements in the services authorized under the Act;

(6) Identify effective strategies that enhance the opportunities for individuals with disabilities to engage in productive work; and

(7) Increase the opportunities for researchers who are individuals with disabilities or members of minority groups or other traditionally underserved populations.

(b) * * *

(3) Research grants for the establishment and operation of rehabilitation engineering research centers (34 CFR part 353).

* * * * *

3. Section 350.2 is amended by revising the undesignated introductory text to read as follows:

§ 350.2 Who is eligible for assistance under these programs?

The following agencies and organizations are eligible for grants or contracts as appropriate under these programs, except for programs described in 34 CFR Parts 352, 353, 356, and 360.

* * * * *

4. Section 350.3(d) is amended by revising paragraph (d) to read as follows:

§ 350.3 What regulations apply to these programs?

* * * * *

(d)(1) Subject to the additional requirement in paragraph (d)(2) of this section, 34 CFR part 97, PROTECTION OF HUMAN SUBJECTS.

(2) When an IRB reviews research that purposefully requires inclusion of children with disabilities or individuals with mental disabilities as research subjects, the IRB must include at least one person primarily concerned with the welfare of these research subjects.

5. Section 350.4 is amended by revising the definitions and authority citations in paragraph (b) for "Individual with handicaps," "Individual with severe handicaps," "Rehabilitation engineering," "Research utilization," and "Supported employment," and adding new definitions of "Assistive technology device," "Assistive technology service," "Disability," and "Personal assistance services," to read as follows:

§ 350.4 What definitions apply to these programs?

* * * * *

(b) * * *

Assistive technology device means any item, piece of equipment, or

product system, whether acquired commercially or off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(Authority: Sec. 7(23); 29 U.S.C. 706(23))

* * * * *

Assistive technology service means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

(1) The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(6) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(Authority: Sec. 7(24); 29 U.S.C. 706(24))

* * * * *

Disability means a physical or mental impairment that substantially limits one or more major life activities.

(Authority: Sec. 7(26)(B); 29 U.S.C. 706(26)(B))

* * * * *

Individual with a disability means any individual who:

(1) Has a physical or mental impairment that substantially limits one or more of such person's major life activities;

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

(Authority: Sec. 7(8)(B); 29 U.S.C. 706(8)(B))

* * * * *

Individual with a severe disability means an individual with a disability—

(1)(i) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord impairments, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment of rehabilitation needs to cause comparable substantial functional limitation; or

(2) An individual with a severe mental or physical impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment, respectively.

(Authority: Sec. 7(15)(C); 29 U.S.C. 706(15)(C))

* * * * *

Personal assistance services means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities, on or off the job, that the individual would typically perform if the individual did not have a disability. These services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(Authority: Sec. 7(11); 29 U.S.C. 706(11))

* * * * *

Rehabilitation engineering means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with

disabilities in such functional areas as mobility, communications, hearing, vision, cognition and in activities associated with employment, independent living, education, and integration into the community.

(Authority: Sec. 12(c); 29 U.S.C. 711(c))

* * * * *

Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in such areas as education, rehabilitation, employment, transportation, independent living, and recreation, and includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(Authority: Sec. 7(13); 29 U.S.C. 706(13))

* * * * *

Research utilization means activities seeking to link research findings to practical applications in planning, policymaking, program administration, and service practice in the delivery of services to individuals with disabilities.

(Authority: Sec. 12(c); 29 U.S.C. 711(c))

* * * * *

Supported employment means competitive work in integrated work settings for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability, and who, because of the nature and severity of their disability, need intensive supported employment services and extended services after transition in order to perform that work. The term includes transitional employment for persons who are individuals with the most severe disabilities due to mental illness.

(Authority: Sec. 7(18); 29 U.S.C. 706(18))

* * * * *

6. Section 350.20 is revised to read as follows:

§ 350.20 What are the application procedures under these programs?

An applicant for assistance under 34 CFR parts 351, 352, 353, 354, 355, 357, 358, 359, or 360 whose application is to conduct research, demonstrations, or related activities that will either involve clients of the State vocational rehabilitation agency as research subjects or study vocational rehabilitation services or techniques, shall follow the requirements in EDGAR §§ 75.155–75.159, including—

(a) Submitting a copy of its application for comment to the State

rehabilitation agency or agencies in the primary State or States to be affected by the proposed activities; and

(b) Including in its application copies of transmittal letters to the appropriate State agency or agencies indicating that the necessary copies were transmitted on or before the due date for transmittal of the application to the Department.

(Approved by the Office of Management and Budget under control number 1820–0027)

(Authority: Secs. 204(c) and 306(i); 29 U.S.C. 762(c) and 766(a))

7. A new § 350.21 is added to read as follows:

§ 350.21 What is required of each applicant relative to the needs of individuals with disabilities from minority backgrounds?

Unless the Secretary indicates otherwise, an applicant for assistance under 34 CFR parts 351, 352, 353, 354, 355, 357, 358, 359, or 360 must demonstrate how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds. The approaches an applicant may take to meet this requirement, in whole or in part, may include one or more of the following:

(a) Proposing project objectives concerning minorities with disabilities.

(b) Demonstrating that its application addresses a problem that is of particular significance to individuals with disabilities from minority backgrounds.

(c) Demonstrating that minority individuals will be included in study samples in sufficient numbers to generate information pertinent to minority individuals with disabilities.

(d) Drawing study samples and program participant rosters from populations or areas that include individuals from minority backgrounds.

(e) Providing rehabilitation services, clinical care, or training to minority individuals with disabilities.

(f) Disseminating materials to or otherwise increasing the access to disability information among minority populations.

(Approved by the Office of Management and Budget under control number 1820–0027)

(Authority: Secs. 12(c) and 21(b)(6); 29 U.S.C. 711(c) and 718b(b)(6))

8. Section 350.34 is amended by adding new paragraphs (b)(5) and (c)(14); removing the word “and” at the end of paragraphs (b)(3) and (c)(12); removing the period and adding, in its place, “; and” at the end of paragraphs (b)(4) and (c)(13); and adding an OMB control number following the section to read as follows:

§ 350.34 What selection criteria does the Secretary use in reviewing applications under parts 351, 354, or 355?

* * * * *

(b) * * *

(5) There is likely to be widespread dissemination of the results, in a usable and effective manner, to all appropriate target populations, including individuals with disabilities and their family members.

(c) * * *

(14) The materials to be used in the project and the materials to be disseminated are likely to be in formats that are accessible to the appropriate populations.

* * * * *

(Approved by the Office of Management and Budget under control number 1820–0027)

9. Section 350.40 is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 350.40 What are the matching requirements?

* * * * *

(b)(1) * * *

(iii) Research projects concerned with end-stage renal disease, telecommunications, rehabilitation of children with disabilities and older individuals with disabilities, (including American Indians), attracting and retaining rehabilitation professionals in rural areas, producing and distributing captioned video cassettes to individuals who are deaf, and innovative methods for providing services for children with disabilities and their parents.

* * * * *

10. A new § 350.41 is added to read as follows:

§ 350.41 What are the requirements of a grantee relative to the Client Assistance Program?

All projects that provide services to individuals with disabilities with funds awarded under these programs must advise those individuals who are applicants for or recipients of services under the Act, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of the availability and purposes of the Client Assistance Program (CAP) funded under the Act, and must provide information on the means of seeking assistance under the CAP.

(Authority: Sec. 20; 29 U.S.C. 718a)

PART 351—DISABILITY AND REHABILITATION RESEARCH: RESEARCH AND DEMONSTRATION PROJECTS

11. The authority citation for part 351 continues to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

12. Section 351.1 is revised to read as follows:

§ 351.1 What is the research and demonstration projects program?

This program is designed to support—

(a) Discrete research, demonstration, training, and related projects to develop methods, procedures, and technology that maximize the full inclusion and integration into society, independent living, employment, family support, and economic and social self-sufficiency of individuals with disabilities, especially those with the most severe disabilities; and

(b) Discrete research, demonstration, and training projects that specifically address the implementation of Titles I, III, VI, VII, and VIII of the Act, with emphasis on projects to improve the effectiveness of these programs and to meet the needs described in State Plans submitted to the Rehabilitation Services Administration by State vocational rehabilitation agencies.

(Authority: Sec. 204(a); 29 U.S.C. 761 and 762)

13. Section 351.10 is amended by revising paragraphs (a) and (b)(3) through (7) and (9); adding a new paragraph (b)(10); and revising the authority citation to read as follows:

§ 351.10 What types of projects are authorized under this program?

* * * * *

(a)(1) Studies and analyses of medical rehabilitation and restorative techniques, rehabilitation techniques or services, industrial, vocational, social, recreational, psychiatric, psychological, economic, and other factors affecting rehabilitation of individuals with disabilities;

(2) Studies and analyses of special problems of individuals who are homebound and individuals who are institutionalized;

(3) Studies, analyses, and demonstrations of architectural and engineering design—including universal design—adapted to meet the special needs of individuals with disabilities;

(4) Studies, analyses, and other activities related to supported employment; and

(5) Related activities that hold promise of increasing knowledge and improving the rehabilitation of individuals with disabilities, particularly those with the most severe disabilities and those who are members of populations that are unserved or underserved by programs under this Act.

(b) * * *

(3) International research, demonstration, training, and technical assistance projects, and exchange of experts;

(4) Joint projects with other Federal agencies and private industry in areas of joint interest involving rehabilitation;

(5) Research related to the rehabilitation of children or older individuals with disabilities, including older American Indian individuals with disabilities;

(6) Projects to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of individuals with disabilities, including individuals with severe disabilities;

(7) Research and demonstration projects on the provision of services for children through the age of five with disabilities;

* * * * *

(9) Research concerning the use of existing telecommunication systems to improve services to individuals with disabilities; and

(10) Demonstration projects to provide incentives for the development, manufacture, and marketing of orphan technological devices to enable individuals with disabilities to achieve independence and access to gainful employment.

(Authority: Secs. 202(b)(8), 204(a), and 204(b)(4)–(10), (12), (15), and (16); 29 U.S.C. 761a(b)(8), 762(a), and 762(b)(4)–(10), (12), (15), and (16))

PART 352—DISABILITY AND REHABILITATION RESEARCH: REHABILITATION RESEARCH AND TRAINING CENTERS

14. The authority citation for Part 352 continues to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

15. Section 352.1 is revised to read as follows:

§ 352.1 What is the Rehabilitation Research and Training Centers program?

This program supports Rehabilitation Research and Training Centers for the purpose of—

(a) Conducting coordinated and advanced programs of research on disability and rehabilitation that will produce new knowledge that will improve rehabilitation methods and service delivery systems, alleviate or stabilize disabling conditions, and promote maximum social and economic independence for individuals with disabilities;

(b) Providing training to service providers at the preservice, inservice, undergraduate, and graduate levels, to

improve the quality and effectiveness of rehabilitation services;

(c) Providing advanced research training to individuals, including individuals with disabilities and those from minority backgrounds, engaged in research on disability and rehabilitation; and

(d) Serving as national and regional technical assistance resources, and providing training for service providers, individuals with disabilities and their families and representatives, and rehabilitation researchers.

(Authority: Sec. 204(b)(2); 29 U.S.C. 762(b)(2))

16. Section 352.2 is revised to read as follows:

§ 352.2 Who is eligible for assistance under this program?

Under this program, awards may be made to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations, that—

(a) Are of sufficient size, scope and quality to carry out effectively the activities in an efficient manner consistent with appropriate State and Federal law;

(b) Demonstrate the ability to carry out the training activities, either directly or through another entity that can provide that training; and

(c) Demonstrate that the Center will be operated in collaboration with an institution of higher education or provider of rehabilitation or other appropriate services.

(Authority: Secs. 204(a) and 204(b)(2)(A)(i) and (K); 29 U.S.C. 762(a) and 762(b)(2)(A)(i) and (K))

17. Section 352.10 is revised to read as follows:

§ 352.10 What activities are authorized under this program?

(a) Rehabilitation Research and Training Centers shall conduct research activities, which must be accessible to and usable by individuals with disabilities, that may include the following:

(1) Basic or applied medical rehabilitation research.

(2) Research regarding the psychological and social aspects of rehabilitation.

(3) Research regarding disability policy.

(4) Research related to vocational rehabilitation.

(5) Research that promotes the social, emotional, functional, and educational growth of children who have disabilities.

(6) Research to develop and evaluate interventions, policies, and services that

support families of children and adults who have disabilities.

(7) Research that will support the improvement of services and policies to foster the productivity, independence, and social integration of individuals with disabilities of all types, to live in their communities.

(b) Rehabilitation Research and Training Centers shall conduct training activities, which must be accessible to and usable by individuals with disabilities, that may include the following:

(1) Training of students preparing to be rehabilitation personnel.

(2) Training at the preservice, inservice, and graduate levels to assist individuals to provide rehabilitation services more effectively.

(3) Training at graduate, preservice, and inservice levels for rehabilitation research personnel.

(4) In-service training for individuals with disabilities and their family members, guardians, advocates, or authorized representatives.

(5) Faculty support for teaching rehabilitation-related courses of study for credit and other courses offered by the Center.

(c) Rehabilitation Research and Training Centers shall disseminate information and provide technical assistance, which must be accessible to and usable by individuals with disabilities, through conferences, workshops, public education programs, inservice training programs, publications, and similar activities, to—

(1) Providers of rehabilitation and other relevant services to individuals with disabilities;

(2) Individuals with disabilities;

(3) Family members of individuals with disabilities; and

(4) Other authorized representatives, advocates, and organizations that provide information and support to individuals with disabilities and their families.

(d) Rehabilitation Research and Training Centers may use part of their funds to provide services connected with their research and training activities to individuals with disabilities.

(e) Rehabilitation Research and Training Centers are encouraged—

(1) To develop practical applications for the findings of their research; and

(2) To disseminate information and provide technical assistance to administrators, policymakers, and representatives of public and private organizations whose activities affect the productivity, independence, and community integration of individuals with disabilities.

(Authority: Sec. 204(b)(2)(A)(ii), (B)–(D), and (F)–(I); 29 U.S.C. 762(b)(2)(A)(ii), (B)–(D), and (F)–(I))

18. Section 352.31 revising paragraph (c)(2)(iii); adding (c)(2)(vi) and (vii); removing the word “and” at the end of paragraph (c)(2)(iv); removing the period, and adding in its place a semicolon at the end of paragraph (c)(2)(v); republishing the OMB control number; and revising the authority citation to read as follows:

§ 352.31 What selection criteria are used under this program?

* * * * *

(c) * * *

(2) * * *

(iii) Training packages that make research results available to service providers, researchers, educators, individuals with disabilities, parents, and others;

* * * * *

(vi) Widespread dissemination of findings and other appropriate materials to providers of rehabilitation and other relevant services to individuals with disabilities, individuals with disabilities, family members of individuals with disabilities, and other authorized representatives, advocates, and organizations that provide information and support to individuals with disabilities and their families; and

(vii) Dissemination of research findings and other materials in appropriate formats and accessible media for use by individuals with various disabilities.

* * * * *

(Approved by the Office of Management and Budget under control number 1820–0027)

(Authority: Secs. 202(e) and 204(b)(2); 29 U.S.C. 761a(e) and 762(b)(2))

19. Section 352.33 is revised to read as follows:

§ 352.33 What is the project period of a Rehabilitation Research and Training Center?

Awards are made under this program for a period of five years except that awards may be made for a lesser period if—

(a) The award is made to a new recipient; or

(b) The award supports a new research area or an innovative approach to a research area.

(Authority: Sec. 204(b)(2)(L); 29 U.S.C. 762(b)(2)(L))

20. A new § 352.34 is added to read as follows:

§ 352.34 What other factors does the Secretary consider in making an award under this program?

In making an award under this program, the Secretary takes into consideration the location of any proposed Center and the appropriate geographic and regional allocation of all Centers.

(Authority: Sec. 204(b)(2)(J); 29 U.S.C. 762(b)(2)(J))

21. The authority citation in § 352.40 is revised to read as follows:

(Authority: Section 204(b)(2); 29 U.S.C. 762(b)(2))

22. The heading of part 353 is revised to read as follows:

PART 353—DISABILITY AND REHABILITATION RESEARCH: REHABILITATION ENGINEERING RESEARCH CENTERS

23. The authority citation for part 353 is revised to read as follows:

Authority: 29 U.S.C. 762(b)(3), unless otherwise noted.

24. Section 353.1 is revised to read as follows:

§ 353.1 What is the Rehabilitation Engineering Research Centers program?

Rehabilitation Engineering Research Centers conduct research, demonstration, and training activities regarding rehabilitation technology—including rehabilitation engineering, assistive technology devices, and assistive technology services, in order to enhance the opportunities to better meet the needs of, and address the barriers confronted by, individuals with disabilities in all aspects of their lives.

(Authority: Sec. 204(b)(3)(A); 29 U.S.C. 762(b)(3)(A))

25. Section 353.2 is revised to read as follows:

§ 353.2 Who is eligible for assistance under this program?

A public or private entity, including an Indian tribe or tribal organization, is eligible to receive an award under this program if the entity demonstrates that the Center will be operated by, or in collaboration with, an institution of higher education or a nonprofit organization.

(Authority: Sec. 204(b)(3)(A); 29 U.S.C. 762(b)(3)(A))

26. Section 353.10 is revised to read as follows:

§ 353.10 What types of activities are authorized under this program?

(a) Rehabilitation Engineering Research Centers shall carry out

research and demonstration activities through—

(1) Developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and remove environmental barriers through—

(i) Planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge and new or improved methods, equipment, or devices; and

(ii) Studying and evaluating the effectiveness and benefits of new or emerging technologies, products, or environments.

(2) Demonstrating and disseminating—

(i) Innovative models for the delivery to rural and urban areas of cost-effective rehabilitation technology services that will promote the use of assistive technology services; and

(ii) Other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities; or

(3) Conducting research and demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

(i) Consumer-responsive and individual and-family-centered innovative models for the delivery to both rural and urban areas of innovative, cost-effective rehabilitation technology services that promote utilization of rehabilitation devices; and

(ii) Other scientific research to assist in meeting the employment and independent living needs of, and addressing the barriers confronted by individuals with disabilities, including individuals with severe disabilities.

(b) To the extent consistent with the nature and type of research or demonstration activities described in paragraph (a) of this section, the Rehabilitation Engineering Research Centers shall carry out research, training, and information dissemination activities by—

(1) Cooperating with programs established under the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Pub. L. 100-407), and other regional and local programs, to provide information to individuals with disabilities and their parents, family members, guardians, advocates, or authorized representatives, to increase awareness and understanding of how rehabilitation technology can address their needs, and

the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

(2) Providing training to individuals, including individuals with disabilities, to enable them to become rehabilitation technology researchers and practitioners of rehabilitation technology; and

(c) Responding, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

(Authority: Secs. 204(b)(3); 29 U.S.C. 762(b)(3))

27. Section 353.31 is amended by adding a new paragraph (c)(4); replacing the colon at the end of paragraph (b)(2)(vi) with a period; removing the “and” at the end of paragraph (c)(2)(iv); removing the period at the end of paragraph (c)(3) and adding, in its place “; and”; republishing the OMB control number; and revising the authority citation to read as follows:

§ 353.31 What selection criteria are used under this program?

* * * * *

(c) * * *

(4) The plan provides for effective cooperation with appropriate State, local, and regional organizations and projects to provide information to individuals with disabilities and their family members, advocates, and representatives, about the potential uses and benefits, and resources for obtaining, rehabilitation technology.

* * * * *

(Approved by the Office of Management and Budget under control number 1820-0027)

(Authority: Secs. 202(e) and 204(b)(3); 29 U.S.C. 761a(e) and 762(b)(3))

28. A new § 353.33 is added to read as follows:

§ 353.33 What is the project period of a Rehabilitation Engineering Research Center?

Awards are made under this program for a period of five years except that awards may be made for a lesser period if—

(a) The award is made to a new recipient; or

(b) The award supports a new research area or an innovative approach to a research area.

(Authority: Sec. 204(b)(3)(E); 29 U.S.C. 762(b)(3)(E))

29. A new § 353.40 is added to read as follows:

§ 353.40 What additional requirements must be met by a grantee under this program?

(a) A Rehabilitation Engineering Research Center shall cooperate with State rehabilitation agencies, and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Technology-Related Assistance for Individuals with Disabilities Act of 1988, as amended.

(b) A Rehabilitation Engineering Research Center funded under this program shall prepare and submit to the Secretary, either as part of an application for continuation of a grant or as part of a final report, a report that documents the short- and long-term impact of the center's program and program outcomes on the lives of individuals with disabilities, and such other information as the Secretary may request.

(Authority: Sec. 204(b)(3)(G); 29 U.S.C. 762(b)(3)(G))

30. A new § 353.41 is added to read as follows:

§ 353.41 What is the advisory committee requirement for a grantee under this program?

A Rehabilitation Engineering Research Center that conducts research or demonstration activities that facilitate service delivery systems change shall have an advisory committee of which the majority of the members are individuals with disabilities who are users of rehabilitation technology, or the parents, family members, guardians, advocates, or authorized representatives of users of assistive technology.

(Authority: Secs. 204(b)(3)(D)(ii); 29 U.S.C. 762(b)(3)(D)(ii))

PART 356—DISABILITY AND REHABILITATION RESEARCH: RESEARCH FELLOWSHIPS

31. Section 356.3(c) is amended by revising paragraph (c) to read as follows:

§ 356.3 What regulations apply to this program?

* * * * *

(c)(1) Subject to the additional requirement in paragraph (c)(2) of this section, 34 CFR part 97, PROTECTION OF HUMAN SUBJECTS.

(2) When an IRB reviews research that purposefully requires inclusion of children with disabilities or individuals with mental disabilities as research subjects, the IRB must include at least

one person primarily concerned with
the welfare of these research subjects.

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